

Subject: Fwd: Letter re: Millenium Pipeline through Suffern, NY
Resent-From: Millennium.Comments@noaa.gov
Date: Wed, 8 Jan 2003 11:02:04 EST
From: <Sufferncivic@aol.com>
To: millennium.comments@noaa.gov

Dear Mr. Hall: I sent this letter yesterday and spelled the e-mail address wrong, so I am resending. I understand that Michael Mcalhatton of our group spoke to Mr. Hall today. Michael left me a message stating that Mr. Hall was the person in charge now, and that the pipeline already passes through much of Rockland, along with some other information. I realize that these alternate routes are very hypothetical at this point, but we were writing at this early stage because we are concerned about the possibility of a pipeline

coming into or close to Suffern. Thanks for taking our comments into consideration.

Sarah Mondale

Subject: Letter re: Millenium Pipeline through Suffern, NY
Date: Tue, 7 Jan 2003 10:22:35 EST
From: Sufferncivic@aol.com
To: millennem.comments@noaa.gov, millenneumpipelineinfo@nisource.com, dpentzien@nisource.com
CC: beersa@co.rockland.ny.us, jeanne@wesimplify.com, dbalestr@sunyrockland.edu, Quinn@wai.com, OSparky1210@aol.com, Maczaj@aol.com

January 2003

Mr. Karl Gleaves
Office of the Assistant General Counsel for Ocean Services
National Oceanic & Atmospheric Administration
U.S. Department of Commerce
1305 East-West Highway
Silver Spring, MD 20910

Dear Mr. Gleaves Mr. Pentz et.al

We are writing to express our opposition to the alternative route proposed for the Millenium Pipeline that would run through our Village of Suffern, NY. Here are a few reasons why:

Another huge construction project in Suffern would be very hard to bear. As you know, Suffern has recently been the site of major construction for the NYS Thruway- I-287 Interchange. There is already a great deal of traffic congestion here, even without another big construction project. The Suffern Civic Association has been working with the Village to protect what little open space remains, to make Suffern greener and more pedestrian-friendly and we feel that the pipeline construction would undercut our efforts.

While Suffern is located at the Ramapo Pass and is home to major roadways and railways, it is also home to many residents for whom proximity to the high-pressure gas pipeline would pose a threat.

The SCA is a member of the Save Tonne Valley Coalition which has fought very hard to keep two large power plants from locating several miles from Suffern along the Ramapo River (a federally designated Sole Source Aquifer.) The SCA passed a resolution recently to support the protection of the fragile Highlands Region which borders our Village. We would look negatively on any further large-scale disruption to the environment or the natural surroundings

in our area such as the construction and maintenance of the pipeline might represent.

To sum it up, we are opposed to running the pipeline through Suffern, and we are also very concerned about the other alternative routes being proposed through Rockland County. We encourage NOAA and the Department of Commerce to seek a more suitable way to get natural gas to Westchester and the NY City area. At any rate, we would be much more open to a proposal that would promote energy conservation and alternative energy sources in our area.

Sincerely,

Sarah Mondale, Jeanne Gomez (Co-Chairs) and the Board of Directors
Suffern Civic Association
PO Box 471
Suffern, NY 10901



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January 7, 2003

Mr. Karl Gleaves
Office of the Assistant General Counsel for Ocean Services
National Oceanic & Atmospheric Administration
U.S. Department of Commerce
1305 East-West Highway
Silver Spring, MD 20910

Dear Mr. Gleaves,

I am writing to express our opposition to the alternative route proposed for the Millenium Pipeline that would run through our Village of Suffern, NY. Here are a few reasons why:

- ☐ Another huge construction project in Suffern would be very hard to bear. As you know, Suffern has recently been the site of major construction for the NYS Thruway- I-287 Interchange. There is already a great deal of traffic congestion here, even without another big construction project. The Suffern Civic Association has been working with the Village to protect what little open space remains, to make Suffern greener and more pedestrian-friendly and we feel that the pipeline construction would undercut our efforts.
- ☐ While Suffern is located at the Ramapo Pass and is home to major roadways and railways, it is also home to many residents for whom proximity to the high-pressure gas pipeline would pose a threat.
- ☐ The SCA is a member of the Save Torne Valley Coalition which has fought very hard to keep two large power plants from locating several miles from Suffern along the Ramapo River (a federally designated Sole Source Aquifer.) The SCA passed a resolution recently to support the protection of the fragile Highlands Region which borders our Village. We would look negatively on any further large-scale disruption to the environment or the natural surroundings in our area such as the construction and maintenance of the pipeline might represent.

To sum it up, we are opposed to running the pipeline through Suffern, and we are also very concerned about the other alternative routes being proposed through Rockland County. We encourage NOAA and the Department of Commerce to seek a more suitable way to get natural gas to Westchester and the NY City area. At any rate, we would be much more open to a proposal that would promote energy conservation and alternative energy sources in our area.

Sincerely,

Sarah Mondale, Jeanne Gomez (Co-Chairs) and the Board of Directors

Suffern Civic Association - P.O. Box 471 - Suffern, NY 10901
Tel. 845-369-1350 - Fax: 845-368-8781 - Sufferncivic@aol.com

Subject: Millennium Pipeline- comments of Westchester County, New York
Resent-From: Millennium.Comments@noaa.gov
Date: Wed, 08 Jan 2003 14:02:28 -0500
From: "Alan Scheinkman" <ADS@ddwt.com>
To: <millennium.comments@noaa.gov>

To Whom It May Concern,

I herewith submit public comments of Westchester County, New York, in connection with the appeal of Millennium Pipeline Co. LLP of the New York State Department of State Coastal Zone Management Act adverse consistency finding. The public comments are set forth in the annexed Word file; an attachment to the filing is set forth in the accompanying pdf file.


Thank you for your courtes


Respectfully submitted,

Alan D. Scheinkman

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White Plains, New York 10601
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UNITED STATES OF AMERICA
BEFORE THE DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Re: Federal Consistency Appeal by Millennium
Pipeline Company From an Objection by the
New York State Department of State

COMMENTS OF WESTCHESTER COUNTY, NEW YORK

Introduction

_____ respectfully submits these comments in support of the finding by the New York State Department of State ("NYDOS") that the pipeline proposed by the Millennium Pipeline Company, L.P. ("Millennium") is inconsistent with the federally-approved polices of the State of New York adopted pursuant to the Coastal Zone Management Act ("CZMA"). The County respectfully requests that the Secretary deny Millennium's appeal of the State's finding

The Secretary is empowered to overturn the NYSDOS finding on two grounds: (1) that the proposed pipeline is "consistent with the objectives" of the CZMA or (2) "is otherwise in the interest of national security". 16 U.S.C. §1456(c)(3)(A). The regulations of the Secretary, adopted pursuant to the CZMA, carefully delineate what an appellant must establish in order to successfully challenge a State finding of inconsistency. Westchester respectfully submits that Millennium has failed to satisfy the criteria established in the lawful regulations of the Secretary.

Westchester takes note of the public comments in this matter by the Department of Energy Spencer Abraham in which it complains that the CZMA has "affected permitting of many energy facilities" and that the federal/state partnerships created by CZMA have caused delays or cancellation of major energy projects. (Comments of December 2, 2002, at 3). Such concerns are

more appropriately addressed to Congress, which enacted the CZMA, and are not a proper basis upon which to seek to overturn the NYSDOS decision in this matter. Equally misplaced in our view is the assertion by the Energy Department that "the CZMA regulations should not be used to delay or block vital energy projects". *Id.* Millennium's appeal has been -- and should continue to be -- governed by the duly promulgated regulations of the Secretary of Commerce. While it is certainly appropriate for public officials to urge Congress to repeal or amend a statute, and it is equally appropriate to request that an agency revise or amend its published rules, it is quite another matter to urge that statutes and binding regulations (unchanged to date and for many years) be disregarded. Respect for the rule of law requires that Millennium's appeal be determined in accordance with the existing law of land.

**FERC'S DETERMINATIONS ARE NOT ENTITLED TO CONSIDERATION
FOR THE PURPOSES OF THIS APPEAL**

Most of the arguments submitted by Millennium, as well as the comments by the Department of Energy, are predicated upon the statements made by the Federal Energy Regulatory Commission ("FERC") in granting certification to the pipeline on December 19, 2001 and, on rehearing, on September 19, 2002.

Westchester maintains that the FERC Order of December 19, 2001 was issued prematurely as NYDOS had not issued any determination of consistency. Westchester asserts that the FERC Order of September 19, 2002 was improperly issued, given that NYSDOS had issued its negative finding on May 9, 2002.

The CZMA expressly provides that "[n]o license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's [consistency] certification . . . [or] the Secretary [of Commerce] finds, after providing a reasonable opportunity

for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this chapter or is otherwise necessary in the interest of national security." 16 U.S.C. §1456(c)(3)(A).

The CZMA thus clearly and without qualification bars the issuance of a license until the state agency has either issued a positive determination or the state agency's negative determination has been supplanted by a determination from the Secretary of Commerce. Indeed, the regulations of the Secretary of Commerce explicitly provide that, "[f]ollowing receipt of a State agency objection to a consistency certification, the Federal agency shall not issue the federal license or permit except as provided in subpart H of this part" [relating to appeals to the Secretary]. 15 C.F.R. §930.64.

The December 19, 2001 order of FERC (97 FERC ¶61,292) purports to grant Millennium a certificate to "construct and operate the proposed pipeline to the city limits of Mount Vernon" (page 76, decretal paragraph A). This Order violated the provisions of the CZMA when it was issued as it purported to give Millennium a permit, even though NYSDOS' ruling on CZMA consistency was still pending. To make matters worse, on September 19, 2002, FERC granted a certificate for the balance of the project, and denied rehearing of its prior order (100 FERC ¶61,277), notwithstanding the intervening ruling by NYSDOS on May 9, 2002. The issuance of the September 19, 2002 order violated both the provisions of the CZMA and the regulations of the Secretary of Commerce.

Both the CZMA and the regulations of the Secretary of Commerce make it clear that the

¹ FERC has maintained that the issuance of the December 19, 2001 order was proper as Condition 54 required Millennium to file "a determination of consistency with the New York State coastal zone management plan", prior to construction. This contention lacks statutory support, as the CZMA does not authorize "conditional" permits. Further, FERC has not even held Millennium to the requirements of Condition 54, as clearly Millennium cannot ever obtain from NYSDOS a determination of consistency with the New York State coastal zone management plan. Millennium has also asserted that the issuance of the September 19, 2002 order was appropriate, as conditioned on obtaining CZMA compliance. As noted above, there is nothing in the statute or this Department's regulations which authorize the issuance of any permit (conditional or otherwise) after issuance of an adverse state determination.

opportunity for comment by the affected Federal agency (in this instance, FERC) comes **after** a

negative state determination, not before. The statute stays the affected Federal agency from acting (conditionally or otherwise) until after the state has acted and, if the state issues a negative finding, the Secretary of Commerce is required to rule on an appeal after "providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state". 16 U.S.C. §1456(c)(3)(A). Under the express terms of the statute, FERC was not entitled to issue any findings prior to the NYSDOS determination and, thereafter, FERC was entitled only to an opportunity to submit "detailed comments" to the Secretary of Commerce.

Under the Commerce regulations, FERC was not entitled to issue any determinations after NYDOS ruling, 15 C.F.R. §930.64, and, in connection with this appeal, was entitled only to an opportunity to comment on the appeal. 15 C.F.R. §930.128.

By having pre-approved the project and having issued its own determination on the environmental issues, FERC has improperly attempted to influence the Secretary's determination of this matter. FERC has tried to place the Secretary in the position having to overturn or disregard findings of another Federal agency. Had FERC not issued its orders, it and the Energy Department would have been entitled to submit comments with the Secretary of Commerce would consider and evaluate, together with the findings of NYDOS, the briefs of Millennium and NYSDOS, and other appropriate filings. However, it is both contrary to law and a unfair manipulation of the process for FERC to issue findings and then have FERC, Millennium and the Energy Department argue that the Secretary of Commerce should decide this appeal on the basis of the pre-existing FERC findings. FERC's issuance of its September 19, 2002 order, in the face of NYSDOS' May determination, reflects a disregard for the independent role of the Commerce Department in discharging its responsibilities under the CZMA.²

² After the NYSDOS ruling, Westchester requested that FERC revoke its prior order and stay further proceedings. It declined to do so.

Congress has entrusted the delicate task of balancing the state's coastal zone management interests with the national interests with the Secretary of Commerce -- not with FERC. We ask that the Secretary use his independent judgment and that he not abdicate his responsibility to by relying upon, or giving deference to orders and determinations that FERC improperly issued.

**MILLENNIUM HAS FAILED TO SHOW THAT THE PIPELINE
IS CONSISTENT WITH THE PURPOSES OF THE CZMA**

Pursuant to the lawful regulations of the Department of Commerce, in order to overturn NYDOS' determination that the pipeline is consistent with the purposes of the coastal zone management act, the Secretary must conclude that: 1) the activity substantially and significantly furthers the national interest as set forth in the CZMA; and 2) the national interest outweighs the activity's adverse coastal effects; and 3) there are no reasonable alternatives. 15. C.F.R. §930.121 Millennium has failed each of these tests.

While coastal-dependent uses are given priority under the CZMA, the Millennium pipeline is not a coastal-dependent use. Unlike offshore oil wells or port facilities, the Millennium pipeline does not have to be located in a coastal zone. Millennium argues that its proposed pipeline would be a major energy transportation facility. However, natural gas pipelines are not automatically presumed to be in the national interest. If they were, Congress would have given them special treatment in the CZMA. It did not. While gas pipelines may be worthy projects, they each be evaluated on their own merit and balanced against equally important national goals and interests identified in the CZMA.

There is no merit to the suggestion made by Millennium and the Energy Department that the proposed Millennium pipeline will further the purposes of the CZMA by promoting a greater

degree of national energy self-sufficiency. The promotion of a national energy policy is not one of the purposes of the CZMA and, even if it was, the Millennium pipeline will not promote it, as the pipeline would transport foreign, not domestic, natural gas. The proposed pipeline would increase importation of natural gas (albeit from Canada, a historically friendly neighbor), at the expense of encouragement of domestic suppliers. Should the Canadian government for whatever reason (such as a need to curtail exports of natural gas in the wake of a Middle Eastern crisis) choose to limit or prohibit natural gas exports, the flow of gas in the Millennium pipeline could be reduced to a trickle.

The Millennium pipeline is not needed to meet this region's or New York City's energy needs or, at least, the need for the pipeline is not outweighed by its harmful environmental impacts. The major public officials in the area, including New York State Governor George Pataki (personally and through Secretary of State Randy Daniels) and successive New York City Mayors Michael Bloomberg and Rudolph Guilani (through the Department of Environmental Protection and through the Office of the Corporation Counsel), have concluded that the balance between the pipeline as proposed and the environment must be struck in the favor of the environment. Surely, the Governor of the State of New York and the Mayor of the City of New York would not be in opposition to the Millennium pipeline if they perceived that the need for energy in the New York City area is so acute as to override concerns for the harmful environmental impacts.

Millennium primary contends that the pipeline must cross the Hudson and run through Westchester so that its gas may reach customers in New York City. The documents before FERC contain no information as to who these customers might be, how much gas each might desire, where these customers are located, and whether local distribution systems are in place to reach them. To the contrary, the pipeline is now slated to end at the Westchester/Bronx border and,

accordingly, no gas will flow to New York City unless and until Consolidated Edison of New York ("Con Ed") builds approximately 8 to 9 miles of distribution infrastructure to Hunts Point in the south Bronx.

In July 2000, Con Edison informed FERC that it estimated that the cost of the facilities required to provide downstream transportation of the Millennium gas from the terminus of the pipeline would be between \$50 million and \$100 million. Con Ed stated flatly: 'no party has committed to use and pay for Con Ed's reinforcement facilities, and Con Ed is not prepared to build reinforcements for the Millennium project on speculation'. (Con Ed Motion and Protest dated July 28, 2000, at 12, hereafter "Con Ed 2000 Protest"). Even though FERC has since relocated the terminus of the proposed pipeline, there is still no indication that Con Ed has agreed to construct the necessary miles of downstream facilities. Indeed, Con Ed's last public submission to FERC prior to certification reflected a variety of continuing concerns and did not contain a commitment to construct any infrastructure.³ (Letter dated October 29, 2001 from Mary Jane McCartney to J. Mark Robinson at 2, hereafter "McCartney Letter"). Thus, any suggestion that the proposed pipeline will serve customers in New York City is purely speculative.

While there is no concrete evidence or information to indicate what customers in New York City would receive Millennium gas, the argument has been advanced that the gas from the pipeline is needed for new natural gas fired power plants that would generate electricity for New York City. (See Final Environmental Impact Statement at 3-10). There is, however, a total absence of evidence that any power plants are contemplated in New York City for which a gas supply is lacking. Recently, the New York State Power Authority built several new power plants in New York City utilizing existing natural gas supplies. Con Edison is embarking on an extensive repowering project

³ Because Westchester believes that FERC has misstated Con Ed's position as expressed in its October 29, 2001 letter, the County is annexing a copy of the October 29, 2001 letter to these comments.

which relies on existing natural gas supplies. In 1998, Con Edison told FERC that it had substantial existing capacity in its natural gas facilities to support additional natural gas fired electric generation facilities. (Protest and Motion of Con Ed, dated February 24, 1998, hereafter "Con Ed 1998 Protest"). In fact, Con Ed asserted that "not only is less than 300 MMDt of capacity not being used in New York City for electric generation and other off-peak uses, but Millennium would create an additional 128 MMDt of excess capacity". (*Id.*

The 2002 Energy Plan for New York State reports that, even if no new pipeline projects are built after 2003, the existing oil and gas systems are adequate to meet all generation scenarios. (New York Energy Report at 3-175 through 3-177). Indeed, according to the Report, if 800 MDT per day of post-2003 pipeline capacity is built in the downstate New York area, natural gas could meet all energy generation needs, with the additional 800 MDT of capacity going to eliminate the use of oil.

Any additional natural gas capacity may readily be derived from the 7 pipeline projects in the area that have already gained approval, such as the Iroquois Eastchester expansion project which will deliver its gas to the Con Ed in the Bronx

Further, it also clear that in-City generation is not the sole answer to any need for additional energy in New York City. The construction of additional transmission lines from New Jersey to New York City has been proposed and may well prove to be more cost-effective and environmentally appropriate. Another part of the answer must be energy conservation and increased use of alternative energy sources, such as solar power.

Millennium has not made its case that its proposed pipeline is the only way to provide additional energy for this area. Certainly its case is not strong enough to overcome the substantial negative impacts to New York's coastal zone policies.

FERC, by its own admission, did not include in its environmental impact statement any analysis of the impact of Millennium's plan to blast an undisturbed section of the Hudson River. Indeed, Millennium sought to prevent its plan to conduct blasting in Haverstraw Bay from becoming publicly known. It was first disclosed by the Army Corps of Engineers in October 2001, almost two years after Millennium had applied to the New York State Department of Environmental Conservation for a certification pursuant to Section 401 of the Clean Water Act. On December 1, 2001, the Corps wrote that Millennium planned to conduct blasting in the eastern-most 400 feet of the Hudson River crossing. The eastern-most 400 feet also happens to be the portion of the River (Haverstraw Bay) that has been the most undisturbed and part of the River that is the most environmentally sensitive. FERC recognized in its Final Environmental Impact Statement that the Millennium crossing, in Haverstraw Bay would, in the absence of blasting, raise many legitimate environmental concerns. FERC never did any appropriate analysis of how those concerns would be heightened by the use of blasting.

Haverstraw Bay has been designated a "Significant Coastal Fish and Wildlife Habitat" and an Essential Fish Habitat. Haverstraw Bay supports populations of the shortnose sturgeon, which is a federally listed endangered species. Haverstraw Bay has been described as an irreplaceable estuarine ecosystem and one of the most important fish and wildlife habitats in the Hudson River. NYSDOS, unlike FERC, has conducted a proper analysis of impacts of the harm to Haverstraw Bay and concluded that such harms must be avoided.

While Millennium argues that its plans would mitigate damage to this previously undisturbed area, its plans have never been subject to a full and complete public review. NYSDOS has carefully laid out the risks to Haverstraw Bay in both its decision and its brief. In addition,

earlier this year substantial concerns over the impacts to Haverstraw Bay were expressed by officials of the Corps of engineers and the Fish and Wildlife Service.

A point that merits particular mention is Millennium's proposal to construct its pipeline within two feet of the Bryn Mawr siphon, a key point in the Catskill Aqueduct. The Siphon is approximately 90 years old. Both NYSDOS and New York City have pointed out the catastrophic nature of the potential impacts of major construction activity within 2 feet of 90-year-old infrastructure. The Catskill system supplies water to hundreds of thousands of people in Westchester, including the cities of New Rochelle and Yonkers and the Towns of Greenburgh, Mount Pleasant, Tarrytown and North Tarrytown. Breakage in the Siphon would cause New York City to lose 40 percent of its water supply and would cause even greater percentage losses in Westchester. New York City has estimated that, in the event of a break, as much as 120 million gallons of water could burst through the gap within 3 hours. This rupture would threaten the footings of the nearby Con Ed electrical towers, which carry 40% of New York City's electricity; it could flood the Sprain Brook Parkway (a major state highway). Any one who has lived or worked in New York City for any length of time is familiar with the damage caused by broken water mains. These century-old mains may break merely from the rumble of traffic six or more feet overhead. It is not difficult to foresee the consequence of blasting within 2 feet of such fragile and ancient infrastructure.

There are many reasonable alternatives to the Millennium pipeline. One of the most obvious is terminating the pipeline in Rockland County where it will serve the Bowline power plant. Millennium argues that such a termination point would not be economical for it. However, it has not offered any evidence of that. According to Millennium itself, half of the gas is to be delivered to shippers located to the west of the Hudson. Moreover, much of the construction activity west of

the Hudson involves the replacement of older Columbia pipelines, which Millennium states, if the project were not approved, would be replaced anyway. Accordingly, given the absence of information from Millennium as to the economics of its project, it is certainly reasonable to conclude that the construction of the east of Hudson part of the pipeline is nothing more than an effort by Millennium to spread out the cost of pipeline replacement it would undertake anyway.

Additionally, Millennium told FERC that its shippers could use other Millennium interconnections to reach markets. (Millennium Answer to Protests, Dated August 15, 2000, pp. 23-24). Since Millennium has acknowledged that "its shippers can always use Millennium's interconnection with major interstate pipelines (Columbia, Tennessee, and Algonquin) to deliver all of their 7000 Dth per day of Millennium capacity to markets" (*Id.*), it is clear that the portion of the pipeline that would cross the Hudson into Westchester is simply not needed. Indeed, Con Ed has explicitly recognized the validity of this point -- a fact that FERC has strained mightily to avoid.

Rather than expressing support for Millennium as proposed, Con Ed, on October 29, 2001, reiterated its suggestion of "a joint project involving Millennium and other interstate pipelines".

Con Ed stated:

The proposal contemplated, for example, that Millennium could be constructed to interconnect with other interstate pipelines that could transport the Millennium gas to Con Ed's system. **Millennium could completely avoid construction in Westchester and the associated impacts and risks at issue in this case.** It would also minimize the cost of constructing facilities for the distribution of gas on Con Edison's system. (McCartney Letter, p. 2) (emphasis added).

Since Con Ed is the utility which provides service for Manhattan, Bronx and Westchester, its representation that there are means to deliver Millennium gas to New York City without any construction in Westchester should have been taken seriously by FERC. However, there is nothing in the public record which suggests that FERC ever met with Con Edison to review Con Ed's

proposed alternatives. Given Con Ed's representation that these alternatives exist, NYSDOS' finding that there are viable alternatives, including terminating the pipeline at Bowline, is clearly viable and appropriate. Indeed, if Con Ed does not build the additional infrastructure in the Bronx, Millennium, as it has stated, would deliver the gas to New York City through other existing pipelines, rendering the Westchester segment of the pipeline useless. There is no reason to harm the environment, and cause severe adverse impacts in New York's coastal zone, for a pipeline segment that is not needed and which may never be used.

In sum, NYSDOS properly concluded that the proposed Millennium pipeline is not consistent with New York State's coastal management policies and that there are available alternatives that would avoid the negative impacts from the pipeline as proposed. Its determination should not be overridden.

**MILLENNIUM HAS FAILED TO ESTABLISH THAT THE
PROPOSED PIPELINE IS NEEDED FOR NATIONAL SECURITY**

Millennium also urges the Secretary to override NYSDOS' objection on the basis that the pipeline is "necessary in the interest of national security." To sustain this claim, Millennium must show that a national defense or other national security interest would be significantly impaired if the pipeline project is not permitted to proceed as proposed. 15 C.F.R. §930.122.

There has never been any suggestion, much less evidence, that the Millennium pipeline would serve any military, defense or national security installations. There is no indication that any military, defense or national security offices or facilities in the New York region use or need natural gas, that any need for natural gas by such offices or facilities is not capable of being met, or that the Millennium pipeline is the only vehicle for supplying natural gas to them. The pipeline has

been proposed purely as a private sector, profit-making venture, designed to deliver and sell natural gas to other private sector, profit-making entities.

To the contrary, the Millennium pipeline, rather than furthering the national security, would harm it by draining resources needed for defending and protecting existing vulnerable infrastructure, including energy generation and distribution facilities. Since September 11, 2001, federal, state and local authorities have identified natural gas pipelines as a potential target for terrorist attack. Millennium has not proposed to provide its own security force to protect the pipeline. Instead, it seeks to impose upon the County, its localities, and other governmental entities, a large, unfunded burden to provide state of the art security for it. Such burden cannot be borne at a time when Westchester and New York State are struggling with severe budget shortfalls (caused, at least in part by the economic impact of the events of September 11, 2001), as well as the burden to provide security for a myriad of high-profile facilities, such as the Indian Point nuclear power plants, the New York City and Westchester drinking water reservoirs and water supply system, and the County airport. Likewise, the planning for the proposed pipeline has wholly failed to take into account the impact upon the evacuations plans for the Indian Point nuclear power plants, which have been clearly identified as attractive targets for terrorist attacks. Despite our urging, FERC did not study the effects of the September 11, 2001 events on the need for the project and the changes in the governmental, social, and economic environment in New York. However, even absent such a study, it is manifest that the adverse impacts of the pipeline on security greatly outweigh any benefits.

CONCLUSION

In sum, the Millennium Pipeline is not needed, is fraught with huge threats to our environment, and there are many reasonable alternatives to it. Westchester respectfully submits that the Secretary should give deference to the views expressed by New York State, New York City and the local governments and public officials of Westchester County.

Dated: White Plains, New York
January 8, 2003

Respectfully submitted,

DELBELLO, DONNELLAN, WEINGARTEN,
TARTAGLIA, WISE & WIEDERKEHR, LLP.
Attorneys for Westchester County
One North Lexington Avenue
White Plains, New York 10601
(914) 681-0200

Subject: Comments on administrative appeal brought by Millennium Pipeline Company pursuant to CZMA


Resent-From: Millennium.Comments@noaa.gov

Date: Wed, 8 Jan 2003 16:08:35 -0500

From: Gerry Owens <gowens@INGAA.org>

To: "millennium.comments@noaa.gov" <millennium.comments@noaa.gov>

Attached please find a letter from Don Santa of the Interstate Natural Gas Association of America to Mr. Gudes regarding the appeal brought by Millennium pursuant to the CZMA.

 <u>1-8-03 letter to Gudes.pdf</u>	Name: 1-8-03 letter to Gudes.pdf Type: Acrobat (application/pdf) Encoding: base64 Download Status: Not downloaded with message
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Donald F. Santa, Jr.
Executive Vice President

January 8, 2003

Mr. Scott B. Gudes
Deputy Under Secretary for Oceans and Atmosphere
United States Department of Commerce
Washington, DC 20230

Re Request for Comments on Administrative Appeal brought by
Millennium Pipeline Company pursuant to the Coastal Zone
Management Act

Dear Mr. Gudes:

I am writing on behalf of the Interstate Natural Gas Association of America (INGAA), the trade association representing North America's interstate natural gas pipeline industry, in response to your request for comments on the appeal by the Millennium Pipeline Company, L.P. (Millennium) from the New York Department of State's objection to Millennium's consistency certification for a proposed natural gas pipeline

Multiple proposed and existing interstate pipeline projects are competing for a share of the natural gas market in the Northeastern United States, and by these comments, INGAA does not intend to express a preference for any particular project. Still, INGAA is greatly concerned that if the Secretary of Commerce (Secretary) does not override the State's consistency objection, a precedent will be set for New York and other States with NOAA-approved Coastal Zone Management Act (CZMA) programs to veto interstate pipeline projects that have been certificated by the Federal Energy Regulatory Commission. Congress delegated to the Commission, and did not leave with the States, the exclusive jurisdiction to license interstate natural gas pipelines.

INGAA concurs in the comments filed by Chairman Patrick Wood, III of the Federal Energy Regulatory Commission (Commission) on November 15, 2002, the comments of the Commission staff appended to Chairman Wood's comments, and the comments filed by Secretary of Energy Spencer Abraham on December 2, 2002, recommending that the Secretary find that the Millennium Project be federally approved as consistent with the objectives of the CZMA. In particular, INGAA believes that the Secretary

should be mindful of the public policy concerns raised by this case that were expressed in the Comments of the U.S. Department of Energy:

[T]he Department is concerned that, in some cases, Federal and State agency partnerships created by CZMA have become strained, causing delays, or cancellation of major energy projects, which have resulted in negative financial impacts and lost domestic energy resources. The Department believes that the CZMA regulations should not be used to delay or block vital energy projects ...

As a former member of the Federal Energy Regulatory Commission (1993-1997), I am intimately familiar with the agency's certificate process for interstate pipelines pursuant to the Natural Gas Act. Based on this perspective, I can attest to and endorse the comments of Chairman Wood, the Commission staff and the Secretary of Energy as to the completeness, thoroughness and even-handedness of the Commission's consideration of stakeholder comments received during the certificate process for the Millennium Project.

I urge the Secretary to override the State's objection. To do otherwise would undermine the legitimacy of the Commission's certificate process and produce a result contrary to the stated goals of the Nation's energy policy.

On behalf of INGAA and its members, thank you for the opportunity to provide these comments.


Sincerely,

Donald F. Santa, Jr.

Interstate Natural Gas Association of America
10 G Street, N.E., Suite 700 • Washington, DC 20002
202-216-5912•202-216-0874

Subject: Riverkeeper's Millennium Comments to NOAA
Resent-From: Millennium.Comments@noaa.gov
Date: Wed, 8 Jan 2003 18:43:42 -0500
From: "Justin Bloom" <jbloom@riverkeeper.org>
To: <millennium.comments@noaa.gov>
CC: "John Lipscomb" <jlipscomb@riverkeeper.org>,
"Alex Matthiessen" <amatthiessen@riverkeeper.org>,
"Reed Super" <rsuper@riverkeeper.org>, "Basil Seggos" <bseggos@riverkeeper.org>,
"Dave Gordon" <dgordon@riverkeeper.org>

Please find the attached PDF file containing Riverkeeper's Comments on the Millennium Pipeline Consistency Appeal. If you have trouble opening or reading the contents, please reply.

 Riverkeeper's Millennium Comments to NOAA.pdf	Name: Riverkeeper's Millennium Comments to NOAA.pdf Type: Acrobat (application/pdf) Encoding: base64 Download Status: Not downloaded with message
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January 8, 2003

VIA ELECTRONIC MAIL

Brandon Blum
Office of General Counsel for Ocean Services
U.S. Department of Commerce

Re: Riverkeeper's Comments on the Millennium Pipeline Consistency Appeal

Dear Mr. Blum:

Below please find Riverkeeper's comments in support of a Department of Commerce (DOC) denial of Millennium Pipeline Company's Coastal Zone Consistency appeal.

Riverkeeper is an independent, member supported, not-for-profit environmental group with offices in Garrison and White Plains, New York. Our mission is to protect the environmental, recreational, and commercial integrity of the Hudson River and its tributaries and to safeguard the drinking water supply of New York City and Westchester County. We carry out this mission through litigation, advocacy, and public education. Our members and constituents include a diverse array of Hudson Valley citizens: from urban dwellers in New York City, to local fishermen in Westchester County, to working class families in rural upstate communities, many of whom would be adversely affected by the Millennium Pipeline if it is permitted to follow the currently proposed route.

Riverkeeper supports efforts to increase the supply of clean new sources of energy to the Hudson Valley and New York City metropolitan area. If undertaken in conjunction with responsible management of the Coastal Zone and matched by energy conservation measures and reductions in coal, nuclear and oil generated sources of energy, important energy policy goals can be achieved while protecting other fundamental priorities, including the health of our environment.

As a steward of the Hudson and an advocate for many that are affected by impacts which will be felt well beyond its shores, Riverkeeper urges that the appeal before the DOC be denied and that you uphold and support the objection to Millennium's consistency certification made by the New York Department of State (DOS). DOS has a substantial basis for finding that the proposed route of the pipeline and its resulting environmental impacts make the project inconsistent with the Coastal Zone Management Act (CZMA). For the reasons set forth below, we contend that the Secretary of Commerce (Secretary)

should conclude that the project does not merit an override on the grounds raised by the appellant.

1. The Pipeline is Not Consistent with the Objectives or Purposes of the CZMA.

Millennium argues that the Secretary should override the DOS Objection because the Pipeline is “consistent with the objectives or purposes” of the CZMA.

In order for the Secretary to base an override on this ground, Millennium must prove that (a) the Pipeline furthers the national interest as articulated in section 302 or 303 of the CZMA, in “a significant or substantial manner;” (b) the national interest furthered by the Pipeline outweighs its adverse coastal effects, when those effects are considered separately or cumulatively; and (c) no reasonable alternative is available that would permit the Pipeline to be conducted in a manner consistent with the enforceable policies of New York’s CMP. 15 C.F.R. § 930.121. Millennium has not demonstrated any of these three factors, and none are true in this case.

(a) The Pipeline will not further the national interest in a significant and substantial manner.

Millennium contends that the pipeline will satisfy this requirement through the advancement of several objectives, namely; by siting a “major energy facility,” by contributing to the national objective of achieving a greater degree of energy self-sufficiency, by facilitating “compatible economic development” of the coastal zone, and by protecting and enhancing coastal zone resources.”¹ These reasons are self-serving and unconvincing.

Although the Pipeline may be considered a “major energy facility,” in order for it to serve the “national interest ... in a significant or substantial manner,” the Pipeline must be a “major energy facility” that is actually needed and has an adequate supply.² Alternative projects such as the Eastchester Expansion and the Northeast ConneXion Pipeline would apparently supply just as much gas and avoid many of the problems plaguing the Millennium proposal.³

Millennium’s own environmental impact statement frankly acknowledges that the Eastchester Expansion project, already approved and underway, “could serve the New York City area, providing similar pipeline capacity” as the Millennium pipeline – and without the coastal zone impacts.⁴

¹ Millennium Brief at 22, 30, and 32.

² According to Millennium, because the Pipeline is “a major energy facility,” its construction will, ipso facto, advance the national objective as stated in 16 U.S.C. § 1452(2)(D) of “siting major facilities related to...energy.” (Millennium Brief at 20, 23.) But as Cortlandt points out in its Brief, “the “significant or substantial” language of Section 930.121(a) makes plain, whether a proposed project is “in the national interest” involves a qualitative component; no undertaking is rendered “in the national interest” merely because it is a certain type of project.” (Cortlandt Brief at 18).

³ See alternatives discussion on page 4.

⁴ FEIS at 3-39.

According to the 2002 New York State Energy Plan, even if no additional pipeline projects are built, New York State has an adequate gas supply "to meet all generation scenarios."⁵ When assessing New York State's supply of and demand for natural gas, the Energy Plan did not account for the proposed Pipeline.

Accordingly, the Millennium Pipeline simply is not needed to meet New York's energy needs. Moreover, with Millennium's Canadian partners apparently having abandoned the project last year,⁶ it is also unclear where the supply of gas to feed the Millennium Pipeline would come from.

As to the Pipeline's other "objectives", Millennium's characterization of its pipeline as a "coastal-dependent use" is baseless. By no means does the Pipeline need to be located in a coastal zone as would an off-shore energy facility or associated shipping facility. The Pipeline is not a coastal-dependent use. Finally, the suggestion that the Pipeline would support the CZMA goal to site new developments adjacent to already-developed areas is similarly without foundation.⁷ The Pipeline would traverse and damage previously untouched, environmentally sensitive lands within and outside of the Coastal Zone.

(b.) Millennium's adverse coastal effects outweigh any national interest furthered by the Pipeline.

15 C.F.R. § 930.121(b) directs that the Secretary uphold the DOS consistency determination, unless he finds that any national interest furthered by the Pipeline outweighs its adverse coastal effects. Accordingly, even if the Pipeline "significantly or substantially" furthers a national interest as required by 15 C.F.R. § 930.121(a), the appeal must fail if the Pipeline's adverse coastal effects outweigh its national interest furthered by the Pipeline will defeat this appeal. There is overwhelming evidence that the Pipeline poses a critical threat to the Haverstraw Bay environment. This significant and well demonstrated threat alone easily tips the scale in favor of DOS's efforts to protect to the Coastal Zone. Additional impacts within the Coastal Zone, such as potential impacts on the Indian Point nuclear-emergency evacuation road network and impacts that may extend beyond the boundaries, such as the threat to the New York City and Westchester County water supplies have been addressed at length by DOS, interveners and public comment on the record.⁸ In the interest of brevity, we will incorporate by reference the comments of DOS, New York City and the Westchester

⁵ DOS Brief at 38, 78-82

⁶ As of August 2001, Millennium's Canadian suppliers withdrew their applications to construct upstream Canadian pipeline facilities necessary to supply the Pipeline. FEIS at 1-4.

⁷ 16 U.S.C. § 1452. One of the goals of the CZMA is to site "the location, to the maximum extent practicable, of new commercial and industrial developments in or adjacent to areas where such development already exists."

⁸ The CZMA mandates that every federal activity – be it either "within or outside the coastal zone" – that affects "any land or water use or natural resource of the coastal zone," shall be carried out in a manner consistent with the state CMP, to the maximum extent practical.⁸ 16 U.S.C. § 1456(c)(1)(A).

County municipalities concerning these issues and focus our comments on the threat to Haverstraw Bay.

The Haverstraw Bay habitat is a uniquely productive portion of the Hudson Estuary that provides essential habitat values and functions for most estuarine-dependent species originating from the Hudson River and species managed under the Magnuson-Stevens Act and Endangered Species Act. Many of these species join commercial and recreational populations throughout the North Atlantic. Haverstraw Bay provides habitat for a variety of fish species such as striped bass, American eel, Atlantic tomcod, American shad, blueback herring and the federally listed endangered shortnose sturgeon. Haverstraw Bay also provides important wintering habitat for bird species such as black duck, Canada goose, canvasback and the federally listed, threatened bald eagle.

The environmental health of Haverstraw Bay is firmly established in the national interest pursuant to its designation by the New York State Coastal Management Program (CMP) as a Significant Coastal Fish and Wildlife Habitat, by the U.S. Fish and Wildlife Service (USFWS) as a Significant Habitat and Habitat Complex of the New York Bight Watershed, and by NOAA Fisheries as essential fish habitat under the Magnuson-Stevens Act.

The National Marine Fisheries Service (NMFS), USFWS and a host of other agencies and organizations support the DOS finding that the Pipeline and its associated blasting would have numerous adverse impacts on critical Haverstraw Bay fisheries, including mortality of aquatic organisms and destruction of habitat. Nothing in the FEIS addresses the impacts that planned blasting will have on the Bay, in fact, plans to blast within the Bay were not released until after the FEIS had been completed and reviewed. This plan violates both New York State Coastal Management Policy 7 ("significant coastal fish and wildlife habitats will be protected...") and Policy 18 ("decisions on the siting and construction of major energy facilities in the coastal area will be based on ... compatibility of such facilities with the environment").

The Millennium project would create significant and long-term impacts and threats in Haverstraw Bay, affecting New York's coastal zone. Acute and chronic effects from dredging, detonating explosives, backfilling, and other construction impacts would impair ecological values and functions of the Bay. NMFS has stated that "empirical evidence suggests that if a pipeline were constructed across Haverstraw Bay, the bottom would be ecologically impaired or compromised by project installation for an unspecified but protracted period."⁹ Additionally, the risks of pipeline failure have not been properly identified and evaluated. FWS notes that there is a significant risk of undetected failure which would reap serious impacts on the ecology and fish populations within Haverstraw Bay.¹⁰

(d) There are reasonable alternatives to a Haverstraw Bay crossing.

⁹ NMFS comments to DOC at 2

¹⁰ FWS comments to DOC at 3.

Millennium has failed to show that no reasonable alternative is available that would permit the Pipeline to be developed in a manner consistent with the enforceable policies of New York's CMP, 16 U.S.C. § 1456(c)(3)(A); 15 C.F.R. § 930.121(c), and such alternatives are indeed available.

The DOS Brief presents and analyzes numerous alternatives to the Pipeline studied earlier in the review process, including five alternative river crossings, nine alternative approaches from the proposed Pipeline route to the west side of the Hudson River crossings, and five alternative approaches from the east side of the river. Although Riverkeeper is concerned that several of these alternatives would threaten other sensitive environmental areas in the Coastal Zone, such as the Piermont Marsh, these routes warrant additional consideration under NEPA.

In addition to those raised in the DOS Brief, several other alternatives merit consideration: the Iroquois Eastchester Expansion, the Northeast ConneXion Project, an alternate river crossing at the Tappan Zee, and use of the alternative Lovett Power Plant river crossing to bring gas to the current Indian Point nuclear plant site which is likely to undergo conversion to gas.

(i.) Eastchester Expansion

FERC certificated the Eastchester Expansion at the same time that it authorized the Millennium Pipeline. The Eastchester Expansion would serve the same New York City service area as the Pipeline and is scheduled to be in service later this year.¹¹ The FEIS states that the Eastchester Expansion "could serve the New York City area providing similar pipeline capacity" as the Millennium Pipeline.¹²

(ii.) Northeast ConneXion

Another alternative is found in the Tennessee Gas Pipeline Northeast ConneXion Project. This project is to provide up to 500,000 Dth/d of natural gas to New York City by November 2004. Unlike Millennium, however, virtually all of the Northeast ConneXion project would be constructed within existing pipeline corridor or through upgrading Tennessee's already-existing pipeline network. This project also would provide new domestic long-haul and market-area storage capacity rather than relying on the speculative cooperation of Canadian entities for a supply source.¹³

(iii.) Tappan Zee Crossing

The DOS brief noted that the FEIS briefly addressed use of the NYS Thruway right-of-way to cross the Hudson in the vicinity of the Tappan Zee Bridge. "On page 6-8 of the FEIS, use of the Thruway right-of-way in that area was dismissed because the Thruway Authority expressed concern with the possible interference of the Pipeline with the

Id. at 3-38.

Id. at 3-39.

Cortlandt Brief at 45.

reconstruction of the Tappan Zee Bridge.”¹⁴ The DOS went on to note that there is no record of such discussions, rather, after the DOS approached the Thruway Authority, they indicated a willingness to discuss this routing with Millennium, including opportunities for acquisition of a companion 50 foot right-of-way adjacent to the Thruway from Exit 15 to Exit 13.¹⁵ This route is an available, reasonable, and feasible alternative.

Indeed, this alternative avoids almost all of the destructive impacts cited by the myriad parties to the Millennium proposal. By using the Tappan Zee instead of the more sensitive and critical Haverstraw Bay, the pipeline would avoid most of the habitat impacts. Evidence from the Hudson River collected from benthic profiling performed by the Lamont -Doherty Geological Observatory indicates that the construction and maintenance of the Tappan Zee Bridge has created prolonged disturbance of the benthos of the crossing, so it should be possible for a pipeline to cross this river reach with smaller ecological costs and without introducing severe impacts in this portion of the river. Given that the Tappan Zee Bridge/I-287 Environmental Review is only now beginning its scoping stage, it is reasonable to consider integrating a pipeline crossing with the various alternatives contemplated within the ongoing NEPA/SEQRA review. A pipeline could be developed as a feature of an upgrade of the existing bridge, a new bridge, or a tunnel crossing.¹⁶ And such a crossing would eliminate the controversial and destructive impacts inland in Westchester County north of the I-287 corridor, with no added impact to Rockland citizens.

A similar agreement promises to avert a Keyspan gas pipeline from cutting a swath through Long Island's treasured Central Pine Barrens. Keyspan is willing to build a pipeline below the shoulder of the Long Island Expressway to spare thousands of trees and important wildlife habitat.¹⁷

(iv.) Indian Point

Finally, in light of the security and safety concerns surrounding the Indian Point nuclear power facility in Westchester County, it is likely that the nuclear power plant will be decommissioned and converted to a gas facility which could be served by the Lovett Power Plant river crossing discussed by the DOS in their brief.¹⁸ Entergy has already proposed the development of a 350 mw natural gas fed “peaker” turbine at Indian Point.

Accordingly, because reasonable alternatives to the Pipeline exist, Millennium fails to satisfy the requirements of 15 C.F.R. § 930.121(c) and its appeal should be dismissed.

¹⁴ DOS Brief at 92.

¹⁵ Id.

¹⁶ Various proposed alternatives have indeed included design features that could incorporate the Millennium Pipeline if it crossed the Hudson at the Tappan Zee.

¹⁷ http://schumer.senate.gov/SchumerWebsite/pressroom/press_releases/PR00799.html

¹⁸ DOS Brief at 97.

2. The Pipeline is Not Necessary in the Interest of National Security.

The second prong of Millennium's appeal involves whether the Pipeline is "necessary in the interest of national security." 16 U.S.C. § 1456(c)(3)(A). To prevail on this argument, Millennium must demonstrate that a national defense or other national-security interest would be "significantly impaired" if the Pipeline was not permitted to go forward as proposed. 15 C.F.R. § 930.122. The Secretary's decision "shall be aided by information submitted by the Department of Defense or other interested federal agencies ... [the views of which] shall be given considerable weight." *Id.*

In response to your department's request for comment on the appeal, Secretary of Defense Rumsfeld's designee did not indicate that the Pipeline is "necessary in the interest of national security." To the contrary, he noted that his department's concerns are "similar to the concerns being expressed by the New York Department of State (DOS) regarding the environmental impacts of the proposed Hudson River crossing," and that "the District Engineer noted that alternatives recommended by DOS that would avoid the necessity for crossing the Hudson River could largely address his concerns."¹⁹ This refutes Millennium's contention that the Pipeline is necessary in the interest of national security, for which Millennium has failed to show how the loss of this project will result in any "significant impairment."

For all of the reasons set forth above, Millennium's challenge to the DOS consistency determination and objection has not demonstrated that the proposed Pipeline is either consistent with the CZMA or necessary in the interest of national security. The proposed Pipeline route would have significant, long-term impacts on important coastal resources, and several other reasonable alternatives have been identified that merit further review. Accordingly, Riverkeeper respectfully requests the Secretary to deny the appeal and uphold the DOS objection to the consistency certification for the proposed Millennium Pipeline.

Thank you for your consideration. Should you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Bloom', with a stylized flourish at the end.

Justin Bloom
Staff Attorney

Subject: Pipeline through Rockland County
Resent-From: Millennium.Comments@noaa.gov
Date: Wed, 8 Jan 2003 09:58:37 -0500
From: Holly Freedman <HollyF@redc.org>
To: "millennium.comments@noaa.gov" <millennium.comments@noaa.gov>

As a resident of Piermont, NY and the President & CEO of a Rockland County business, I object to the Rockland County routes that are being considered for the Millennium Pipeline. It seems to me that a "protected area", such as the Piermont Marsh, is not "protected" if this route is in consideration. What is the point of designating areas "protected" and environmentally sensitive if the designation is ultimately being ignored? Rockland residents are being drawn into an unnecessary decision-making process -- the decision had already been made to cross the river at Haverstraw which would have been the fairest solution for Rockland, Westchester and New York City.

Thank you for your attention to this matter.

Sincerely,

Holly Freedman
82 Orchard Terrace, Piermont, NY 10968

President & CEO, Rockland Economic Development Corporation

Holly Freedman

Visit our website: www.redc.org

Subject: we do not want this pipeline

Resent-From: Millennium.Comments@noaa.gov

Date: Wed, 8 Jan 2003 07:43:38 -0500

From: "susan" <banjolady.susan@verizon.net>

To: <millennium.comments@noaa.gov>

Dear Mr. Gleaves and folks at the EPA,
I have recently been informed that a proposal is currently being considered to re-route the Millineum Pipeline through parks or alongside the Palisades Parkway in Rockland County. I hear today is the last day to comment. Can THIS BE TRUE? Westchester had months to comment and sift through the information.

With such a large-scale project and potentially far-reaching environmental consequences, I believe that this should not be seriously considered before:

- a) The consequences of using these alternate routes through Rockland County is thoroughly studied
- b) Rockland residents are fully appraised of this project and given the time

they need to comment intelligently
[REDACTED] ts are fully weighed along with the potential impact of these
[REDACTED] es in Rockland
[REDACTED] ould cross the Hudson River at one of three projected
[REDACTED] t Mountain in Upper Nyack, Piermont Marsh or Tomkins Cove.
[REDACTED] veral of the pipeline routes would go through Piermont Marsh,
[REDACTED] designated a significant coastal fish and wildlife habitat -
[REDACTED] verstraw Bay. ROCKland county residents object to this
[REDACTED] their environment.

Thanks for taking my comments into consideration

[REDACTED]
[REDACTED] on
[REDACTED] 01
[REDACTED] 37
[REDACTED] 04